

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

| | | |
|-----------------------------------|---|--|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | IN EQUITY NO. C-125-RCJ |
| |) | Subproceeding: C-125-B |
| WALKER RIVER PAIUTE TRIBE, |) | |
| |) | 3:73-CV-00127-RCJ-WGC |
| Plaintiff-Intervenor, |) | |
| vs. |) | |
| |) | ORDER ADDRESSING |
| WALKER RIVER IRRIGATION DISTRICT, |) | WHETHER CLAIMANTS WITH |
| a corporation, et al., |) | OVERLYING, UNEXERCISED |
| |) | GROUNDWATER RIGHTS IN THE |
| Defendants. |) | STATE OF CALIFORNIA ARE SUBJECT |
| |) | TO COMPULSORY JOINDER IN THIS |
| |) | SUBPROCEEDING |
| |) | |

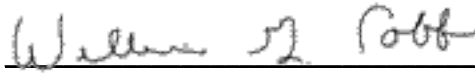
This ORDER addresses an issue raised by the California State Agencies in subproceeding C-125-B: whether holders of overlying, unexercised groundwater rights in the State of California are presently subject to compulsory joinder in this subproceeding. This is one of two categories of unexercised water rights in California that the California State Agencies and Mono County assert are recognized and protected under California law.¹ The second category – dormant or unexercised surface riparian rights in the State of California – is not addressed in this Order.

After discussing this issue during the Court's Status Conference on August 2, 2012, the Court and Counsel agreed that holders of these water rights do not fit within any category of water rights holders who must be served in accordance with the terms of the *Case Management Order* (Apr. 18, 2000; Doc. B-#108). Although holders of overlying, unexercised groundwater

¹ See, e.g. *The United States of America's and Walker River Paiute Tribe's Response Regarding Proposed Preliminary Threshold Issues* (Oct. 10, 2008; B-#1442); *California State Agencies' Supplementary Report* (Jan. 30, 2012; B-#1057); *California State Agencies' Suggested Threshold Issue* (June 24, 2008; B-#1359).

rights in California may need to be joined at a later time, there is no need to join them at this time.

IT IS SO ORDERED this 24th day of August, 2012.

A handwritten signature in dark ink, appearing to read "William G. Cobb", is written over a horizontal line.

Hon. William G. Cobb
United States Magistrate Judge